

ORDINANCE NO. 2002 - 081

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **FUTURE LAND USE ELEMENT** (TO REVISE TEXT REGARDING FARM RESIDENCES IN PRESERVE AREAS IN THE AGRICULTURAL RESERVE TIER); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 14 & 28, July 12 & 22, 2002 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 24, 2002 and August 28, 2002 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on November 13, 2002 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated November 8, 2002 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained

1 in this ordinance;

2 WHEREAS, on December 18, 2002 the Palm Beach County Board of
3 County Commissioners held a public hearing to review the written
4 comments submitted by the Department of Community Affairs and to
5 consider adoption of the amendments; and

6 WHEREAS, the Palm Beach County Board of County Commissioners has
7 determined that the amendments comply with all requirements of the
8 Local Government Comprehensive Planning and Land Development
9 Regulations Act.

10 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
11 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

12 Part I. Amendments to the 1989 Comprehensive Plan

13 Amendments to the text of the following Element of the 1989
14 Comprehensive Plan are hereby adopted and attached to this Ordinance
15 in Exhibit 1:

- 16 A. Future Land Use Element, to revise text regarding farm
17 residences in preserve areas in the
18 Agricultural Reserve Tier; and
19 B. Amending all elements as necessary for internal
20 consistency.

21 Part II. Repeal of Laws in Conflict

22 All local laws and ordinances applying to the unincorporated area
23 of Palm Beach County in conflict with any provision of this ordinance
24 are hereby repealed to the extent of such conflict.

25 Part III. Severability

26 If any section, paragraph, sentence, clause, phrase, or word of
27 this Ordinance is for any reason held by the Court to be
28 unconstitutional, inoperative or void, such holding shall not affect
29 the remainder of this Ordinance.
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1 Part IV. Inclusion in the 1989 Comprehensive Plan

2 The provision of this Ordinance shall become and be made a part
3 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
4 Ordinance may be renumbered or relettered to accomplish such, and the
5 word "ordinance" may be changed to "section," "article," or any other
6 appropriate word.

7 Part V. Effective Date

8 The effective date of this plan amendment shall be the date a
9 final order is issued by the Department of Community Affairs or
10 Administration Commission finding the amendment in compliance in
11 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
12 applicable. No development orders, development permits, or land uses
13 dependent on this amendment may be issued or commence before it has
14 become effective. If a final order of noncompliance is issued by the
15 Administration Commission, this amendment may nevertheless be made
16 effective by adoption of a resolution affirming its effective status,
17 a copy of which resolution shall be sent to the Florida Department of
18 Community Affairs, Division of Community Planning, Plan Processing
19 Team. An adopted amendment whose effective date is delayed by law
20 shall be considered part of the adopted plan until determined to be
21 not in compliance by final order of the Administration Commission.
22 Then, it shall no longer be part of the adopted plan unless the local
23 government adopts a resolution affirming its effectiveness in the
24 manner provided by law.

25 **APPROVED AND ADOPTED** by the Board of County Commissioners of
26 Palm Beach County, on the 18 day of December, 2002.

27
28 ATTEST:
29 DOROTHY H. WILKEN, Clerk

 PALM BEACH COUNTY, FLORIDA,
 BY ITS BOARD OF COUNTY COMMISSIONERS

30 Joan Havers By Addie L. Greene
31 Deputy Clerk Karen T. Marcus, Chair
32 For

33 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

34 [Signature]
35 COUNTY ATTORNEY

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40 Filed with the Department of State on the 24 day of
41 December, 2002

EXHIBIT 1

A. Future Land Use Element, AgR-PDD Preserve Areas/Farm Residences

REVISIONS: To revise text regarding farm residences in preserve areas in the Agricultural Reserve Tier. The revisions are shown below with added text underlined and deleted text ~~struck out~~.

SUB-OBJECTIVE 1.5.1 Planned Developments

60/40 Planned Development Option

1. **REVISED Policy 1.5.1-k:** To accommodate farm worker housing or grooms quarters, some density may be retained on the preserve areas of 60/40 Agricultural Reserve Planned Development Districts (AgR-PDDs). Such housing may be located on these preserve areas at the following densities:
 - ~~1. Farm residences - one unit per 20 acres~~
 - 1.2. Farm worker quarters - one unit per acre, provided such units are clustered onto a single compact area of the preserve area and are restricted to occupancy by farmworkers
 - 2.3. Grooms quarters - the number of grooms quarters shall be based upon the number of stalls in the preserve area with a maximum of 20 grooms quarters allowed with no density requirement. For AgR-PDD Preserve Areas seeking more than 20 grooms quarters, the allowable density of the development area shall be decreased by one unit for each grooms quarter to a maximum reduction of one-half of the number of dwelling units associated with the preserve area property.

All such agricultural support housing shall require that density be left on the site of the preserve area at the time the AgR-PDD is platted.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 18, 2002
DATED at West Palm Beach, FL on 1/23/03.
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.